

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAID ELMAJZOUB,

Plaintiff

v.

HAROLD WICKHAM, *et al.*,

Defendants

Case No. 3:20-cv-00502GMN-WGC

ORDER

I. DISCUSSION

On September 3, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed a motion for leave to appeal *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff has used an incorrect form for his application to proceed *in forma pauperis*. If Plaintiff is applying to proceed *in forma pauperis*, he must use the Court’s approved form.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.**

Accordingly, the Court denies Plaintiff’s motion at ECF No. 1 without prejudice to file a new fully complete application to proceed *in forma pauperis* with all three documents. The Court will grant Plaintiff a **one-time extension** to file a fully complete

1 application to proceed *in forma pauperis* containing all three of the required documents.
2 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before
3 **November 9, 2020**. Absent unusual circumstances, the Court will not grant any further
4 extensions of time.

5 If Plaintiff does not file a fully complete application to proceed *in forma pauperis*
6 with all three required documents on or before **November 9, 2020**, the Court will dismiss
7 this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is
8 able to acquire all three of the documents needed to file a fully complete application to
9 proceed *in forma pauperis* or pays the full \$400 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
11 case with the Court, under a new case number, when Plaintiff has all three documents
12 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
14 full filing fee of \$400 on or before **November 9, 2020** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
16 will not file the complaint unless and until Plaintiff timely files a fully complete application
17 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion at ECF No. 1 is
20 denied without prejudice to file a new fully complete application to proceed *in forma*
21 *pauperis* with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
23 approved form application to proceed *in forma pauperis* by an inmate, a copy of his motion
24 at ECF No. 1 with financial attachments, as well as the document entitled information and
25 instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **November 9, 2020**, Plaintiff will
27 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
28 the \$50 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
3 signatures on page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
9 application to proceed *in forma pauperis* with all three documents or pay the full \$400
10 filing fee for a civil action on or before **November 9, 2020**, the Court will dismiss this
11 action without prejudice for Plaintiff to refile the case with the Court, under a new case
12 number, when Plaintiff has all three documents needed to file a complete application to
13 proceed *in forma pauperis* or pays the the full \$400 filing fee.

14 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
15 (ECF No.1-1) but will not file it at this time.

16 DATED: September 9, 2020

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18 UNITED STATES MAGISTRATE JUDGE